Supreme Court, U.S.
FILED

(1) 02-96 JUL 18 2002

OFFICE OF THE CLERK

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QUESTION PRESENTED

I.

SHOULD THIS COURT GRANT IMMEDIATE WRIT OF HABEAS CORPUS UPON THIS CERTIORARI WRIT PETITION ALONE, DUE TO PAST FAMILIARITY OF THE FACTS THAT PETITIONER HAS REPEATEDLY AND VOLUMINOUSLY SUBMITTED PRIMA FACIE EVIDENCE OF HER INNOCENCE AND "REASONABLE DOUBT" OF HER GUILT, SINCE THE STATE HAS REFUSED TO GIVE RELIEF FOR 18 YEARS.

II.

SINCE PETITIONER HAS PROVED THE ABOVE, IS SHE LEGALLY & TECHNICALLY ALREADY FREE.

PARTIES INVOLVED

The parties involved in this case are Stephen A. Zappala, Jr., District Attorney of Allegheny County for the Commonwealth of Pennsylvania and Eileen Vey, Petitioner, at Pittsburgh, Pennsylvania.

TABLE OF CONTENTS

SUBJECT	PAGE
Parties Involved	i
Table of Contents	ii
Petition for Writ	1
Order Below	1
Jurisdiction	1
U.S. Constitutional & Law Provisions	2
Statement of 18-Year Case	2
REASONS FOR GRANTING WRIT	3
CONCLUSION	3
APPENDIX	
Pennsylvania Supreme Court Order	Appendix 1
D.A.'s non-refutation response to Habeas Corpus Writ Petition	Appendix 2

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No. _____

In The
UNITED STATES SUPREME COURT
AMERICA

October Term, 2002

Commonwealth of Pennsylvania
v.
Eileen Vey

WRIT OF CERTIORARI PETITION
TO THE PENNSYLVANIA SUPREME COURT
Prima Facie Habeas Corpus

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The petitioner, Eileen Vey, prays this Court will grant the Petition for Writ of Certiorari to the Pennsylvania Supreme Court or the alternative immediate granting ot the state Prima Facie Habeas Corpus upon this Petition alone.

ORDER BELOW

Attached is the June 7, 2002 Pennsylvania Supreme Court's nonrefutation denial of a state prima facie Habeas Corpus submitted under a King's Bench Matter (Appendix 1). Additionally, the District Attorney's nonrefutation of the prima facie habeas corpus is attached hereto (Appendix 2).

JURISDICTION

Jurisdiction is envoked under 28 USC § 1257, an appeal from a state's highest court, the Pennsylvania Supreme Court, a King's Bench Matter of a state's prima facie habeas corpus of 18 years.

U.S. CONSTITUTIONAL & LAW PROVISIONS

The law provisions set forth in this writ of certiorari are the Pennsylvania's state habeas corpus and Prima Facie Law.

CONSTITUTION OF THE COMMONWEALTH OF PENNSYLVANIA
Article I § 14, 21

Prisoners to Be Bailable; **Habeas Corpus**

Article 14. "All prisoners shall be bailable by sufficient sureties, unless for capital offenses when the proof is evident or presumption great; and the privilege of the writ of habeas corpus shall not be suspended, unless when in case of rebellion or invasion the public safety may require it." (This 18-year case does not pertain to war and rebellion prisoners exception)

Right To Bear Arms

Article 21. "The right of the citizens to bear arms in defense of themselves and the State shall not be questioned."

PRIMA FACIE LAW
THE LAW

THE LAW concerning PRIMA FACIE: Courts use the concept of "prima facie" case in two senses: (1) in sense of plaintiff producing evidence sufficient to render reasonable a conclusion in favor of allegation she asserts; and (2) in sense that, not only the palintiff's evidence would reasonable allow conclusion plaintiff seeks, but also that plaintiff's evidence compels such a conclusion, if the defendants produce no evidence to rebut it, **Husbands v. Com of PA**, D.C. of PA, 395 FS 1107, 1139.

PRIMA FACIE EVIDENCE is evidence good and sufficient on its face and such evidence which, in the judgment of the law, is sufficient to establish a given fact. Moreover, prima facie evidence is evidence which, if unexplained or uncontradicted, is sufficient to sustain a judgment in favor of the issue which it supports. State v. Haremza, 213 Kan. 201, 512 P.2d

STATEMENT OF CASE

This is an 18-year (1984) Pennsylvania state prima facie Habeas Corpus in which petitioner is being denied due process of laws, which have not been revoked.

REASONS FOR GRANTING WRIT

During a lifetime of two decades, the Petitioner proved, IF SHE COMMITTED ANY ACT, she proved INNOCENCE OF 3RD degree homocide and gun (Carrying firearm w/o a licence) charged by one judge (no jury), because she met legal premise requirements of laws that have not been repealed, 1) Insanity Defense's McNaughten Rule, 18 PA CSA § 301 & 501; 2) Self-Defense/Justification Defense, admitted by Superior Court Judges due to life-threatening situation, "reasonable doubt" of which bullet (silencer?), if any, caused alleged victim to go down before gun shot heard; 3) PA Constitution and "exception clause" of gun statute, 18 PA CSA § 6101 "(b)," (home was road, transient at time, people live in motor homes).

However, after further study of evidence, the Petitioner proved SHE COMMITTED NO ACT, because there was no evidence to link petitioner to alleged contaminated crime scene, ie, petitioner found by hotel, no blood, "reasonable doubt" of whose gun; no ballistic, no serial match, no gunpowder on petitioner's hands after a powder test, alleged victim went down (silencer" heart attack?) before gun shot heard, perjured statement of other nonexistent weapons cause more "reasonable doubt" of weapon, at strange time of day, gang of men and man, who disappeared from scene, were suspects themselves, list goes on...

In brief, the Petitioner is being DENIED DUE PROCESS of all the laws contained herein and, namely the PENNSYLVANIA HABEAS CORPUS relief, after proving evidence of innocence and "reasonable doubt" of guilt AND EVIDENCE OF PRIMA FACIE attached hereto - NO REFUTATION OF HABEAS CORPUS by both PA SUPREME COURT (Order, no Opinion) and DISTRICT ATTORNEY, Appendix 1 and 2. Technically, due to this prima facie attached evidence, the Petitioner is legally free, but what about paperwork (abandoned by attornies)?

CONCLUSION

Wherefore, the petitioner prays this Court will grant the Petition for Writ of Certiorari to the Pennsylvania Supreme Court or alternative immediate granting ot the state Prima Facie Habeas Corpus upon this Petition alone due to familiarity with case.

Respectfully submitted,

Eileen Vey, Pro Se 7-11-02

Appendix 1

In The Supreme Court of Pennsylvania
Western District

Commonwealth of Pennsylvania, Respondent	:	
v.	:	No. 34 WM 2002
EILEEN VEY, Petitioner	:	

ORDER

PER CURIAM

AND NOW, this 7th day of June, 2002, the Petition for Writ of Habeas Corpus is denied.

A True Copy Patricia Honard
As of June 7, 2002
Attest:
Chief Clerk
Supreme Court of Pennsylvania

Appendix 2

Stephen a. Zappala, Jr.
District Attorney

OFFICE OF THE DISTRICT ATTORNEY
County of Allegheny

303 Courthouse * Pittsburgh, PA 15219-2489
Phone (412) 350-4400 * Fax (412) 392-0369

April 3, 202

John A. Vaskov, EsquireDeputy Prothonotary
Supreme Court of Pennsylvania
801 City County Building
Pittsburgh, Pennsylvania 15219

Re: Commonwealth v. Eileen Vey
34 WM 2002

Dear Mr. Vaskov:

This is to advise you that the Office of the District Attorney of Allegheny County will not answer the Petition For Writ of Habeas Corpus which was filed in the above captioned case and received by this Office on Muarch 20, 2002.

Due to a clerical error, we rsponded on April 1, 2002, to Ms. Vey's pleading with a letter that mis-characterized the nture of the pleading. We apologize for the error and ask this Court and Ms. Vey to disregard the lettor of April 1, 2002, and accept this letter as the appropriate response.

Thank you for your attention in this matter,

Very truly yours,

Sally K. Kaye
Assistant District Attorney
PA I.D. No. 73314

cc: Eileen Vey